

SUBCHAPTER A : BOAT SEWAGE DISPOSAL

§321.1. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Boat - Any vessel or other watercraft, whether moved by oars, paddles, sails, or other power mechanism, inboard or outboard, or any other vessel or structure floating on waters in the state, whether or not capable of self-locomotion, including but not limited to cabin cruisers, houseboats, barges, marinas, and similar floating objects.

Clear Lake - That body of water located in Harris and Galveston counties and commonly referred to as "Clear Lake" and its immediate tributaries including: Clear Creek east of Interstate Highway 45; Cow Bayou south of NASA Road 1; Horsepen and Armand Bayous south of Bay Area Boulevard; Taylor Lake south of Red Bluff Road; and to the confluence with Galveston Bay at the navigation light in Kemah.

Designated lake - Any of the waters listed in §321.2(a) of this title (relating to Discharge Prohibited). For on-channel impoundments, this includes the area of the lake at its normal conservation level.

Holding tank - Any tank or receptacle used for retaining sewage.

Houseboat - Any boat fitted for use as a dwelling or for leisurely cruising, including any barge.

Marine sanitation device - Any sanitation device for use on any boat to receive, retain, or dispose of human body wastes.

Pump-out facilities - Any pump and hose combination used for the transfer of sewage from boats to a tank or receptacle.

Sewage - Human body wastes and the wastes from marine sanitation devices and pump-out facilities.

Waters in the state - lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the bed and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Adopted 02-14-96

Effective 03-15-96

§321.2. Discharge Prohibited.

(a) The commission hereby finds and declares that the protection and enhancement of the quality of the following waters in the state require greater environmental protection than is provided by federal standards applicable to discharges from marine sanitation devices:

- (1) Lake Austin;
- (2) Lake Bridgeport;
- (3) Lake Brownwood;
- (4) Lake Cedar Creek;
- (5) Lake Conroe;
- (6) Eagle Mountain Lake;
- (7) Lake Granbury;
- (8) Lake Grapevine;
- (9) Lake Houston;
- (10) Lake Lewisville;
- (11) Lake Livingston;
- (12) Lake Lyndon B. Johnson;
- (13) Lake Meredith;
- (14) Lake Palestine;
- (15) Lake Possum Kingdom;
- (16) Lake Ray Hubbard;
- (17) Lake Sam Rayburn;
- (18) Lake Somerville;
- (19) Lake Tawakoni;
- (20) Lake Texoma;
- (21) Lake Toledo Bend;
- (22) Lake Travis;

(23) Lake Waco;

(24) Lake Whitney;

(25) Clear Lake.

(b) The discharge of sewage which has not been treated in accordance with federal standards from a boat into waters in the state is prohibited.

(c) No person may discharge sewage, treated or untreated, from a boat into or adjacent to any designated lake.

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§321.3. Marine Sanitation Device Required.

(a) When operated on any inland freshwater lake designated in §321.2(a)(1)-(24) of this title (relating to Discharge Prohibited), the following boats shall be equipped with an approved marine sanitation device certified under §321.5 of this title (relating to Certification of Marine Sanitation Devices):

(1) any boat which has a permanently installed marine sanitation device;

(2) any boat longer than 26 feet in length which has permanent sleeping quarters; and

(3) any houseboat regardless of length.

(b) Permanent sleeping quarters as used in these sections means bunking facilities which are contained within an enclosed cabin or a cabin subject to being enclosed.

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§321.4. Specifications for Approved Marine Sanitation Devices.

Boats on all designated lakes meeting the dimensions and physical characteristics provided by §321.3 of this title (relating to Marine Sanitation Devices Required) shall have sewage disposal devices and equipment meeting the following requirements:

(1) Any marine sanitation device permanently installed on or within any boat on any designated lake shall have an attached holding tank which meets the following specifications.

(A) The holding tank shall be located inboard on the boat.

(B) The holding tank shall be constructed so as to prevent the discharge of sewage except by pumping. Pumping shall be in accordance with approved and authorized methods as referred to §321.8(a) of this title (relating to Disposal of Boat Sewage).

(C) The holding tank shall be installed so that it may be completely and efficiently emptied by pumping.

(D) The holding tank shall be constructed of corrosion-resistant material.

(E) The holding tank shall be so located and constructed as to minimize the possibility of rupture.

(F) Any overboard vents shall be located to minimize the inboard return of odors and shall be provided with means to prevent the intake of waters or spray. Vents shall be connected to the tank so as to prevent pressure buildup in the tank and clogging from the contents of the tank.

(G) Fittings intended for use in emptying holding tanks shall be designed to make a spill-proof connection with the pump-out facility. Such fittings shall assure a liquid-tight closure during normal operation of the boat, shall afford no obstruction to the flow of sewage, and shall be cleanable. They shall be constructed of corrosion-resistant material.

(H) Conformance with coast guard regulations applicable to "no discharge" devices shall be deemed to constitute compliance with this subsection.

(2) A boat operating on Clear Lake, but not on any other designated lake, may be equipped with a "Y"- valve or other device on the holding tank that allows for the direct discharge of untreated waste into waters beyond the state's three-mile territorial limit. The "Y"- valve or other device must be secured in the closed position by a padlock, non-releasable tie, removal of the handle or other physical barrier at all times while the boat is operating inside the three-mile territorial limit.

(3) A portable marine sanitation device that is designed to facilitate the carry-off of sewage for onshore disposal is acceptable on any boat (other than a houseboat) less than 26 feet in length and as an additional marine sanitation device on any boat.

(4) The executive director is authorized to allow the use of portable marine sanitation devices in certain cases where permanent facilities are now required by these sections.

§321.5. Certification of Marine Sanitation Devices.

(a) The executive director is authorized to certify marine sanitation devices as meeting the requirements of these sections. The executive director may delegate this authority to any local government or state agency wishing to perform certification functions. The commissioners court of a county so delegated may designate any agency of the county to perform such certification.

(b) Application forms and certification decals will be furnished by the executive director.

(c) The owner of any boat referred to in §321.3 of this title (relating to Marine Sanitation Device Required) is required to obtain certification of facilities for that boat.

(d) All boats certified must have displayed evidence of certification in accordance with §321.6 of this title (relating to Evidence of Certification of Marine Sanitation Devices) when operated on any designated lake.

(e) Certification decals issued on or after December 31, 1981, will be valid for a period not to exceed two years. Decals will expire as provided in §321.15 of this title (relating to Renewal of Certification).

Effective 07-03-86

§321.6. Evidence of Certification of Marine Sanitation Devices.

The executive director shall design and issue decals which will be evidence of certification of marine sanitation devices. On a boat registered by the Texas Parks and Wildlife Department under the Water Safety Act, the certification decal shall be prominently displayed three inches following the registration validation decal. On boats unregistered by the Texas Parks and Wildlife Department, the certification decal shall be prominently displayed on the exterior of the forward half of the boat.

Effective 07-03-86

§321.7. Certification Fees for Marine Sanitation Devices.

A fee of \$15 is hereby levied for certification of marine sanitation devices. No charge is levied for certification of marine sanitation devices owned by a federal, state, or local government agency. Disposition of fees shall be in accordance with §321.16 of this title (relating to Disposition of Fees).

Effective 07-03-86

§321.8. Disposal of Boat Sewage.

Contents of a holding tank, whether permanently installed or portable, may be disposed of only by the following methods:

- (1) discharge into a sewage system operated under authority of a valid permit issued by the commission;
- (2) discharge into a pump-out facility approved and certified under these sections;
- (3) discharge into a private sewerage facility licensed in accordance with the Texas Water Code, §26.031, and the Texas Water Code, §26.032, where applicable, or constructed in accordance with Texas Department of Health regulations; or
- (4) discharge into a liquid-tight vacuum truck or other conveyance for disposal by any of the methods listed in paragraphs (1)-(3) of this section.

Effective 07-03-86

§321.9. Specifications for Pump-Out Facilities.

Pump-out facilities will be designed to provide spill-proof connection with shipboard holding tanks; will be provided with suction controls or vacuum breaker to limit suction to such levels as will avoid collapse of rigid holding tanks; will provide fresh water facilities for tank flushing; will be equipped with check valve and positive cut-off or other device to preclude spillage when breaking connection with vessel being serviced; and will provide adequate interim storage, if required, prior to transfer to approved treatment facilities. Any connection to a drinking water system must be provided with vacuum breakers or other device designed to insure against backflow or siphonage of sewage or contaminated water into the drinking water system. In addition to the foregoing, movable floating pump-out facilities will be provided with adequate and spill-proof facilities for transfer to shore-based treatment plants or intermediate transfer of facilities.

Effective 07-03-86

§321.10. Certification of Pump-Out Facilities.

(a) The commission hereby delegates to the executive director the authority to certify pump-out facilities as meeting the requirements of these sections.

(b) Owners of pump-out facilities operated on or adjacent to water in the state will be required to obtain certification of those facilities.

(c) Application forms and certification decals for this purpose will be prescribed and furnished by the executive director.

(d) Inspections may be required of pump-out facilities prior to certification.

(e) Certification decals issued under this section will be valid for a period not to exceed one year. Decals will expire as provided in §321.15 of this title (relating to Renewal of Certification).

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Effective 03-15-96

§321.11 Evidence of Certification of Pump-Out Facilities.

Each pump-out facility must have affixed thereon a certification decal which shall clearly indicate the date of expiration.

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§321.12. Fees for Certification of Pump-Out Facilities.

A fee of \$35. for initial certification of each pump-out facility is hereby levied, payable to the entity performing the inspection. Disposition of fees shall be in accordance with §321.16 of this title (relating to Disposition of Fees).

Effective 07-03-86

§321.13. Disposal of Sewage From Pump-Out Facility.

Sewage from a pump-out facility may be disposed of only by the following methods:

(1) discharge to a sewage treatment plant operated under a valid permit issued by the commission;

(2) discharge to a private sewage facility licensed in accordance with the Texas Water Code, §26.031, or Texas Water Code, §26.032, where applicable, or constructed in accordance with Texas Department of Health regulations; or

(3) discharge to a liquid-tight vacuum truck or other conveyance for disposal by any of the methods listed in this section.

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§321.14. Exclusions.

(a) Certain local governments in this state have the authority to issue local regulations for the control of sewage discharges from boats. Compliance with such local regulations is deemed to be in compliance with applicable provisions of these sections if local regulations are as restrictive in prohibiting the discharge of sewage from boats as these sections. On furnishing proof of local certification and a \$2.00 fee payable to the commission for issuance of decals, the boat owner will obtain a certification decal from the executive director in order to operate on designated lakes outside the jurisdiction of the local regulation.

(b) Any local government which has been delegated licensing authority pursuant to the Texas Water Code, §26.031, is hereby authorized to inspect pump-out facilities in its designated area. The local government shall collect and keep for its use in this program the inspection fees provided for in §321.12 of this title (relating to Fees for Certification of Pump-Out Facilities).

Effective 07-03-86

§321.15. Renewal of Certification.

(a) Any certification of marine sanitation devices or renewal thereof issued on or after December 31, 1980, will expire December 31, 1983, and every two years thereafter. Any certification of pump-out facilities or renewal thereof issued on or after December 31, 1980, will expire December 31, 1982, and every year thereafter.

(b) Inspections of pump-out facilities may be required prior to renewal of certification.

(c) The renewal certification decal shall clearly indicate time of expiration.

(d) A fee of \$15 is hereby levied for renewing a certification of a marine sanitation device. Disposition of fees shall be in accordance with §321.16 of this title (relating to Disposition of Fees).

(e) A renewal fee of \$25 is hereby levied for renewing certification on all pump-out facilities. Disposition of fees shall be in accordance with §321.16 (relating to Disposition of Fees).

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§321.16. Disposition of Fees.

All fees collected by the executive director or any state agency under the provisions of this subchapter shall be deposited in a special fund for use in administering and performing the certification functions provided for under this subchapter. All funds deposited in the fund will be subject to audit annually by the commission. Any fees collected by a designated local government may be retained by the local government.

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§321.17. Cancellation of Certification, Replacement, or Transfer.

(a) A certification issued under the provisions of this subchapter is subject to cancellation by the executive director prior to the date of expiration if information supplied by an applicant for certification is false or fraudulent.

(b) A certification decal issued under this subchapter remains valid for the life of the decal whether the boat is traded or sold.

(c) If a certification decal becomes illegible or is destroyed, a replacement decal can be obtained from the executive director for \$2.00.

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§321.18. Criminal Penalties.

Any person who violates or fails to comply with the provisions of these sections concerning the disposal of sewage from boats is subject to criminal penalties pursuant to the Texas Parks and Wildlife Code, §31.129.

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Amendments to: §§321.1, 321.2, 321.3, 321.4, 321.10 and 321.15
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